IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20769 of 2004

Between:

ES POCAHAMMA, D/o. EM Shankar,
R/o. H.INo. 29/63 subhashnagar, PO Trimulgherry,
Secunderabad (AP).

..... PETITIONER

AND

1 The Chief Executive Officer,

Secunderabad Cantonment Board,
Secunderabad [AP].
2 The Defence Pension Disbursement Officer, Mudfort,
Secunderabad [AP].
3 The Manager, Punjab National Bank Lal Bazar,
Secunderabad [AP].

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, orders or a Writ, more appropriately one in the nature of a Writ of Mandamus directing/declaring the action of the respondents herein "Declare the action of respondents in discontinuing family pension to the petitioner herein [sole surviving legal heiress to her late father fulfilling all the norms for the grant of such family pension] as being arbitrary, without any authority and vioaltive of Petitioners herein right to Life guaranteed under Article 21 of the Constitution of India and therefore ultra vires."

Counsel for the Petitioner: MR.VISHAL SAXENA

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court, at the admission stage, made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 20769 of 2004

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ORDER:

The present writ petition is filed to declare the action of the respondents in discontinuing family pension to the petitioner herein (sole surviving legal heiress to her late father fulfilling all the norms for the grant of such family pension) as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned counsel for the petitioner submits that on 27-07-2004, the petitioner submitted her representation to the respondents for issuing duplicate copy of the Saving Account Pass Book so as to enable her to get pensionary benefits of her mother who died. But the respondents are not taking any action on the said representation. Therefore, a direction may be given to the respondents to take appropriate decision in accordance with law.

4 . On considering submission made by the learned counsel for the petitioner, I deem it necessary to dispose of the writ petition with some direction.

5. Therefore, the respondents are directed to take appropriate decision in accordance with law and the petitioner is also directed to make a representation along with Medical Certificate and relevant documents to claim benefits under Rule 54 of the Rules of Central Civil Services Pension Rules, thereafter the same shall has to be considered by the respondents in accordance with law.

6. Accordingly, the writ petition is, with the above direction, disposed of. No costs.

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February 15, 2005

Kvr

To

1. The Chief Executive Officer,

Secunderabad Cantonment Board,
Secunderabad [AP].

2. The Defence Pension Disbursement Officer, Mudfort,
Secunderabad [AP].

3. The Manager, Punjab National Bank Lal Bazar,
Secunderabad [AP].

4. Two C.D copies.